



Rep. Sara Feigenholtz

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LRB098 17076 HEP 56845 a

1 AMENDMENT TO HOUSE BILL 4636

2 AMENDMENT NO. _____. Amend House Bill 4636 on page 1, line
3 5, by changing "Section 2.04" to "Sections 2.04, 2.05, 2.17, 4,
4 and 5"; and

5 on page 1, line 16, after "Act", by inserting the following:

6 ", whose parent has signed a denial of paternity pursuant to
7 Section 12 of the Vital Records Act or Section 12a of the
8 Adoption Act,"; and

9 on page 2, by inserting immediately below line 3 the following:

10 "(225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

11 Sec. 2.05. "Facility for child care" or "child care
12 facility" means any person, group of persons, agency,
13 association, organization, corporation, institution, center,
14 or group, whether established for gain or otherwise, who or

1 which receives or arranges for care or placement of one or more
2 children, unrelated to the operator of the facility, apart from
3 the parents, with or without the transfer of the right of
4 custody in any facility as defined in this Act, established and
5 maintained for the care of children. "Child care facility"
6 includes a relative, as defined in Section 2.17 of this Act,
7 who is licensed as a foster family home under Section 4 of this
8 Act.

9 (Source: P.A. 94-586, eff. 8-15-05.)

10 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

11 Sec. 2.17. "Foster family home" means a facility for child
12 care in residences of families who receive no more than 8
13 children unrelated to them, unless all the children are of
14 common parentage, or residences of relatives who receive no
15 more than 8 related children placed by the Department, unless
16 the children are of common parentage, for the purpose of
17 providing family care and training for the children on a
18 full-time basis, except the Director of Children and Family
19 Services, pursuant to Department regulations, may waive the
20 limit of 8 children unrelated to an adoptive family for good
21 cause and only to facilitate an adoptive placement. The
22 family's or relative's own children, under 18 years of age,
23 shall be included in determining the maximum number of children
24 served. For purposes of this Section, a "relative" includes any
25 person, 21 years of age or over, other than the parent, who (i)

1 is currently related to the child in any of the following ways
2 by blood or adoption: grandparent, sibling, great-grandparent,
3 uncle, aunt, nephew, niece, first cousin, great-uncle, or
4 great-aunt; or (ii) is the spouse of such a relative; or (iii)
5 is a child's step-father, step-mother, or adult step-brother or
6 step-sister; "relative" also includes a person related in any
7 of the foregoing ways to a sibling of a child, even though the
8 person is not related to the child, when the child and its
9 sibling are placed together with that person. For purposes of
10 placement of children pursuant to Section 7 of the Children and
11 Family Services Act and for purposes of licensing requirements
12 set forth in Section 4 of this Act, for children under the
13 custody or guardianship of the Department pursuant to the
14 Juvenile Court Act of 1987, after a parent signs a consent,
15 surrender, or waiver and after a parent's rights are
16 terminated, and while the child remains in the custody or
17 guardianship of the Department, the child is considered to be
18 related to those to whom the child was related under this
19 Section prior to the signing of the consent, surrender, or
20 waiver or the order of termination of parental rights. The term
21 "foster family home" includes homes receiving children from any
22 State-operated institution for child care; or from any agency
23 established by a municipality or other political subdivision of
24 the State of Illinois authorized to provide care for children
25 outside their own homes. The term "foster family home" does not
26 include an "adoption-only home" as defined in Section 2.23 of

1 this Act. The types of foster family homes are defined as
2 follows:

3 (a) "Boarding home" means a foster family home which
4 receives payment for regular full-time care of a child or
5 children.

6 (b) "Free home" means a foster family home other than an
7 adoptive home which does not receive payments for the care of a
8 child or children.

9 (c) "Adoptive home" means a foster family home which
10 receives a child or children for the purpose of adopting the
11 child or children.

12 (d) "Work-wage home" means a foster family home which
13 receives a child or children who pay part or all of their board
14 by rendering some services to the family not prohibited by the
15 Child Labor Law or by standards or regulations of the
16 Department prescribed under this Act. The child or children may
17 receive a wage in connection with the services rendered the
18 foster family.

19 (e) "Agency-supervised home" means a foster family home
20 under the direct and regular supervision of a licensed child
21 welfare agency, of the Department of Children and Family
22 Services, of a circuit court, or of any other State agency
23 which has authority to place children in child care facilities,
24 and which receives no more than 8 children, unless of common
25 parentage, who are placed and are regularly supervised by one
26 of the specified agencies.

1 (f) "Independent home" means a foster family home, other
2 than an adoptive home, which receives no more than 4 children,
3 unless of common parentage, directly from parents, or other
4 legally responsible persons, by independent arrangement and
5 which is not subject to direct and regular supervision of a
6 specified agency except as such supervision pertains to
7 licensing by the Department.

8 (Source: P.A. 92-318, eff. 1-1-02.)

9 (225 ILCS 10/4) (from Ch. 23, par. 2214)

10 Sec. 4. License requirement; application; notice.

11 (a) Any person, group of persons or corporation who or
12 which receives children or arranges for care or placement of
13 one or more children unrelated to the operator must apply for a
14 license to operate one of the types of facilities defined in
15 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
16 relative, as defined in Section 2.17 of this Act, who receives
17 a child or children for placement by the Department on a
18 full-time basis may apply for a license to operate a foster
19 family home as defined in Section 2.17 of this Act.

20 (a-5) Any agency, person, group of persons, association,
21 organization, corporation, institution, center, or group
22 providing adoption services must be licensed by the Department
23 as a child welfare agency as defined in Section 2.08 of this
24 Act. "Providing adoption services" as used in this Act,
25 includes facilitating or engaging in adoption services.

1 (b) Application for a license to operate a child care
2 facility must be made to the Department in the manner and on
3 forms prescribed by it. An application to operate a foster
4 family home shall include, at a minimum: a completed written
5 form; written authorization by the applicant and all adult
6 members of the applicant's household to conduct a criminal
7 background investigation; medical evidence in the form of a
8 medical report, on forms prescribed by the Department, that the
9 applicant and all members of the household are free from
10 communicable diseases or physical and mental conditions that
11 affect their ability to provide care for the child or children;
12 the names and addresses of at least 3 persons not related to
13 the applicant who can attest to the applicant's moral
14 character; and fingerprints submitted by the applicant and all
15 adult members of the applicant's household.

16 (c) The Department shall notify the public when a child
17 care institution, maternity center, or group home licensed by
18 the Department undergoes a change in (i) the range of care or
19 services offered at the facility, (ii) the age or type of
20 children served, or (iii) the area within the facility used by
21 children. The Department shall notify the public of the change
22 in a newspaper of general circulation in the county or
23 municipality in which the applicant's facility is or is
24 proposed to be located.

25 (d) If, upon examination of the facility and investigation
26 of persons responsible for care of children, the Department is

1 satisfied that the facility and responsible persons reasonably
2 meet standards prescribed for the type of facility for which
3 application is made, it shall issue a license in proper form,
4 designating on that license the type of child care facility
5 and, except for a child welfare agency, the number of children
6 to be served at any one time.

7 (e) The Department shall not issue or renew the license of
8 any child welfare agency providing adoption services, unless
9 the agency (i) is officially recognized by the United States
10 Internal Revenue Service as a tax-exempt organization
11 described in Section 501(c)(3) of the Internal Revenue Code of
12 1986 (or any successor provision of federal tax law) and (ii)
13 is in compliance with all of the standards necessary to
14 maintain its status as an organization described in Section
15 501(c)(3) of the Internal Revenue Code of 1986 (or any
16 successor provision of federal tax law). The Department shall
17 grant a grace period of 24 months from the effective date of
18 this amendatory Act of the 94th General Assembly for existing
19 child welfare agencies providing adoption services to obtain
20 501(c)(3) status. The Department shall permit an existing child
21 welfare agency that converts from its current structure in
22 order to be recognized as a 501(c)(3) organization as required
23 by this Section to either retain its current license or
24 transfer its current license to a newly formed entity, if the
25 creation of a new entity is required in order to comply with
26 this Section, provided that the child welfare agency

1 demonstrates that it continues to meet all other licensing
2 requirements and that the principal officers and directors and
3 programs of the converted child welfare agency or newly
4 organized child welfare agency are substantially the same as
5 the original. The Department shall have the sole discretion to
6 grant a one year extension to any agency unable to obtain
7 501(c)(3) status within the timeframe specified in this
8 subsection (e), provided that such agency has filed an
9 application for 501(c)(3) status with the Internal Revenue
10 Service within the 2-year timeframe specified in this
11 subsection (e).

12 (Source: P.A. 94-586, eff. 8-15-05.)

13 (225 ILCS 10/5) (from Ch. 23, par. 2215)

14 Sec. 5. (a) In respect to child care institutions,
15 maternity centers, child welfare agencies, day care centers,
16 day care agencies and group homes, the Department, upon
17 receiving application filed in proper order, shall examine the
18 facilities and persons responsible for care of children
19 therein.

20 (b) In respect to foster family and day care homes,
21 applications may be filed on behalf of such homes by a licensed
22 child welfare agency, by a State agency authorized to place
23 children in foster care or by out-of-State agencies approved by
24 the Department to place children in this State. In respect to
25 day care homes, applications may be filed on behalf of such

1 homes by a licensed day care agency or licensed child welfare
2 agency. In applying for license in behalf of a home in which
3 children are placed by and remain under supervision of the
4 applicant agency, such agency shall certify that the home and
5 persons responsible for care of unrelated children therein, or
6 the home and relatives, as defined in Section 2.17 of this Act,
7 responsible for the care of related children therein, were
8 found to be in reasonable compliance with standards prescribed
9 by the Department for the type of care indicated.

10 (c) The Department shall not allow any person to examine
11 facilities under a provision of this Act who has not passed an
12 examination demonstrating that such person is familiar with
13 this Act and with the appropriate standards and regulations of
14 the Department.

15 (d) With the exception of day care centers, day care homes,
16 and group day care homes, licenses shall be issued in such form
17 and manner as prescribed by the Department and are valid for 4
18 years from the date issued, unless revoked by the Department or
19 voluntarily surrendered by the licensee. Licenses issued for
20 day care centers, day care homes, and group day care homes
21 shall be valid for 3 years from the date issued, unless revoked
22 by the Department or voluntarily surrendered by the licensee.
23 When a licensee has made timely and sufficient application for
24 the renewal of a license or a new license with reference to any
25 activity of a continuing nature, the existing license shall
26 continue in full force and effect for up to 30 days until the

1 final agency decision on the application has been made. The
2 Department may further extend the period in which such decision
3 must be made in individual cases for up to 30 days, but such
4 extensions shall be only upon good cause shown.

5 (e) The Department may issue one 6-month permit to a newly
6 established facility for child care to allow that facility
7 reasonable time to become eligible for a full license. If the
8 facility for child care is a foster family home, or day care
9 home the Department may issue one 2-month permit only.

10 (f) The Department may issue an emergency permit to a child
11 care facility taking in children as a result of the temporary
12 closure for more than 2 weeks of a licensed child care facility
13 due to a natural disaster. An emergency permit under this
14 subsection shall be issued to a facility only if the persons
15 providing child care services at the facility were employees of
16 the temporarily closed day care center at the time it was
17 closed. No investigation of an employee of a child care
18 facility receiving an emergency permit under this subsection
19 shall be required if that employee has previously been
20 investigated at another child care facility. No emergency
21 permit issued under this subsection shall be valid for more
22 than 90 days after the date of issuance.

23 (g) During the hours of operation of any licensed child
24 care facility, authorized representatives of the Department
25 may without notice visit the facility for the purpose of
26 determining its continuing compliance with this Act or

1 regulations adopted pursuant thereto.

2 (h) Day care centers, day care homes, and group day care
3 homes shall be monitored at least annually by a licensing
4 representative from the Department or the agency that
5 recommended licensure.

6 (Source: P.A. 89-21, eff. 7-1-95; 89-263, eff. 8-10-95; 89-626,
7 eff. 8-9-96.)"; and

8 on page 2, line 23, after "Act", by inserting the following:

9 "or whose parent has signed a denial of paternity pursuant to
10 Section 12 of the Vital Records Act or Section 12a of this
11 Act"; and

12 on page 13, line 26, by deleting "or "co-parent""; and

13 on page 14, line 5, after "Act", by inserting "or Section 12a
14 of this Act"; and

15 on page 14, line 8, by changing "or waiver" to "waiver, or
16 denial"; and

17 on page 20, line 4, after "Act", by inserting the following:

18 "or a waiver pursuant to Section 10 of this Act"; and

1 on page 22, by replacing lines 2 through 8 with the following:

2 "B. The residence requirement specified in paragraph A of
3 this Section shall not apply to:

4 (a) an adoption of a related child;

5 (b) an adoption of a child placed by an agency; or

6 (c) an adoption in which the child to be adopted has
7 resided in this State: (1) for a period of 6 months
8 immediately preceding the commencement of the adoption
9 proceeding; or (2) since birth if the child is not yet 6
10 months of age.

11 ~~The residence requirement specified in paragraph A of this~~
12 ~~Section shall not apply to an adoption of a related child or to~~
13 ~~an adoption of a child placed by an agency."~~